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Smith's Admx. v. Middlesboro Elec. Co. (1915), 164 Ky. 46, 174 S. W. 773, which holds that the doctrine does not apply to fixtures in private dwellings where the electric company has no right to enter to inspect, and is therefore essentially in accord with the instant case. For a discussion of *res ipsa loquitur* as applied to this situation, see 3 Va. L. Rev. 349-65.—*Minnesota Law Review*.]

Schools—Right of Board to Deny Diploma to Graduate Refusing to Wear Cap and Gown.—In *Valentine v. Independent School Dist.*, 183 N. W. 434, the Supreme Court of Iowa held that a school board may deny the right of a graduate of a high school to participate in the public ceremony of graduation unless cap and gown is worn, but the board cannot deny a diploma to a graduate satisfactorily completing the course for refusal to wear a cap and gown for the graduating exercises.

The evening of May 30, 1918, had been selected for the commencement exercises of the Casey High School in the auditorium of the high school building. The last chapter in the history of the class of 1918 was about to be written and the period placed at the end of the sentence of the high school life of the prospective graduates. Six young girls who had finished the prescribed course of study with satisfactory grades presented themselves for the honors of graduation, and it was the intent of the school officers by public ceremony to recognize the right of the members of the class to be graduated and have diplomas granted in due form. Had an incident not happened just a few moments before invocation was offered, no echo of the doings of this otherwise pleasant evening would have been heard in any court.

It appears that under oral direction from the school board to the superintendent of the high school the class was informed that caps and gowns should be worn on that auspicious occasion, and the same were furnished by the board. The caps were misfits and were not worn. Objections were made by the class to the use of the gowns by reason of the offensive odor emanating therefrom due to a recent fumigation through the use of formaldehyde by the city health authorities.

The members of the class at this time were in the anteroom ready to take their places, but the edict of the superintendent, "Thou shalt not pass without wearing the gowns," proved a sufficient barrier to three of the girls who were not permitted to occupy seats on the platform and to whom diplomas were not granted. This incident was the *prima causa* for the denial of the rights and honors of graduation to the plaintiff and two of her classmates.

The court said in part:

"The wearing of a cap and gown on commencement night has no relation to educational values, the discipline of the school, scholastic grades, or intellectual advancement. Such a rule may be justified in

some instances from the viewpoint of economy, but from a legal viewpoint the board might as well attempt to direct the wearing of overalls by the boys and calico dresses by the girls. The enforcement of such a rule is purely arbitrary and especially so when the offending pupil has been passed for graduation after the performance on her part of all prescribed educational requirements. We are not questioning the propriety of wearing caps and gowns. It is a custom we approve. The board may deny the right of a graduate to participate in the public ceremony of graduation unless a cap and gown is worn. Finally, is the defendant school board under a legal duty to grant to plaintiff her diploma? A diploma is the written or printed evidence indorsed by the proper authorities that the person named thereon has completed a prescribed course of study in the school or institution named therein. A graduate is one who has honorably passed through a prescribed course of study and received a diploma certifying to that effect. A diploma, therefore, is *prima facie* evidence of educational worth, and is the goal of the matriculate.

"The board having prescribed a curriculum of high school study, which being approved by the department of public instruction, the school became under the law an approved or accredited high school giving to its graduates certain privileges in our higher state educational institutions. The issuance of a diploma by the school board to a pupil who satisfactorily completes the prescribed course of study and who is otherwise qualified is mandatory, and, although such duty is not expressly enjoined upon the board by statute, it does arise by necessary and reasonable implication. Furthermore, the rules established by the board became the law for the government of the school, and, having in the instant case prescribed an approved course of study, and having provided that the honors of graduation and a diploma should be conferred upon those who satisfactorily complete said course, a legal duty is enjoined upon the board under its own rule to issue a diploma to any pupil who has met the requirements and who has been passed by said board for the honors of graduation. The manual delivery of a diploma to a pupil is a purely ministerial act. This plaintiff, having accepted the benefits of education tendered by the public school system established in the independent school district of Casey, and having complied with all the rules and regulations precedent to graduation, may not be denied her diploma by the arbitrary action of the school board subsequent to her being made the recipient of the honors of graduation. It is also clear that plaintiff is entitled to a certificate of her grades."

Street Railroads—Liability for Injury to Passenger after Leaving Car.—In *Chesley v. Waterloo, C. F. & N. R. Co.*, 176 N. W. 961, the Supreme Court of Iowa held that where an adult passenger on a street car which had stopped signified a desire to leave the car by arising and moving to the door, which was opened, and left the car